IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 14 OF 2004

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Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. A.M. Shringarpure, A.P.P.
for the State.

Mr. Dilip Bodake for Respondent
Nos.1 & 2.

CORAM : A.S. OKA, J.
DATE : 19TH AUGUST 2006

P.C. :

1. Heard learned A.P.P. for the Appellant. A Prayer in the Appeal is for grant of leave to prefer an appeal. The Respondents were acquitted for the offences punishable under Section 381, 411 read with Section 482 of the Indian Penal Code.

2. After having heard the learned A.P.P. for the Applicant and after perusing the impugned Judgment, I find that no case is made out for grant of leave. The F.I.R. was lodged on 26th June 1993 for the alleged incident of 14th June 1993. It is revealed from the record that the Police

Station is at a distance of only 50 ft. from the concerned Primary Health Centre where the offence has allegedly taken place. The prosecution relied upon seizure of the alleged stolen articles. The seizure has been made from a stranger who is not at all related to the accused persons. The Panchanama drawn at the time of alleged seizure has not been proved as panch witnesses have not been examined. Investigating Officer has merely identified the handwriting and the signature of the Head Constable who is the alleged author of the panchnama. These are two factors which are taken into account by the learned Trial Judge. It is obvious that the view taken by the learned Judge is a possible view.

3. No case is made out for grant of leave. Prayer is rejected.

Hence, Appeal is dismissed.

JUDGE